

MARK C. JACOBS
3033 EL CAMINO AVENUE
SACRAMENTO, CA 95821
tel (916) 485-5000
fax (916) 485-9901
sactopat@aol.com

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Mark C. Jacobs, 24043

PAGES 23 (including cover sheet)

ATTN: HANH VAN TRAN:

APPLICANT:	Gary Markofer
TITLE:	COMPUTER CORNER DESK WITH WIRE MANAGEMENT CAPABILITY
GROUP:	3637
SERIAL NO.:	09/883,530
FILED:	June 18, 2001
EXAMINER:	Hanh Van Tran
DOCKET NO.:	1574

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gary Markofer
TITLE: Computer Corner Desk with Wire Management Capability
GROUP: 3636
SERIAL N^o: 09/883,530
FILED: June 18, 2001
EXAMINER: Hanh V. Tran
DOCKET N^o: 1574

VIA FACSIMILE ONLY

Dear Mr. Tran:

LETTER OF EXPLANATION

Thank you for agreeing by telephone today to review this informal argument pertaining to the primary rejection which was set out in Paragraph 6 of your last office action. In order to make life simpler for you, I enclose pages A-D, which include paragraph 6 of your last office action which serves as the basis for this proposed response. I have enclosed a number of other pages, which as you will see, follow closely in order the arguments that you have put forth with respect to the combination multi-referenced rejection.

As I have mentioned to you in the past, the desk of this invention is a commercial product that is selling well. While I have no reason to believe that you doubt my veracity, I enclose page E, a page from the Web site that shows an advertisement for the E-desk forming the subject matter of this invention. A closeup view of one of the desks is better seen on my page F which shows the floating keyboard and the recessed corner section abutting the adjacent furniture components. If you look closely, you will see a little item in the left of the photograph which lies along the seam of the rear corner desk but which little white unit that appears to have floatable plates thereon is disposed on the left side adjacent furniture component (AFC) and the mouse rests on the adjacent furniture component on the right side.

Your attention is now directed to the office action as set forth in the pages A-D. Please keep those to your left and drawing illustration pages 1-8 to your right. This will enable you to read the office action and refer specifically to the paragraph in question and follow along with

my Figures. For your convenience - and mine as well, I have notated in the left margin of the
PAGE 2/23 * RCVD AT 11/9/2004 8:19:12 PM [Eastern Standard Time] * SVR:USPTO-EFAX-1/1 * DNIS:8729306 * CSID:916 485 9901 * DURATION (mm-ss):07-14

1 office action certain line numbers of the paragraph; for example: L4 = line 4 of paragraph 6 of
2 your office action, and figure numbers that pertain to the drawing pages, 1 through 7, including
3 two "A" designated figures which serve as the basis of this argument.

4 Now, let us proceed -

5 At line 4, of paragraph 6 of the O.A., you state that Novikoff discloses a particular type
6 of desk. My Figure 1 is a top plan view of a typical Novikoff-type of installation. My Figure 5
7 is inclusive of Figure 20 of the reference. Note how the corner desk is but a flat surface whose
8 keyboard placement is denoted as "user here" along the diagonal edge. The two corners of this
9 diagonal edge meet with the AFC's adjacent furniture components respective front and side
10 edges at 90-degree corners. The dimensions of thirty-six inches and forty-two inches are
11 arbitrary choices for a typical corner desk installation. Twenty-four inches is a typical depth of
12 adjacent furniture components utilized in offices, though some are also thirty inches deep. [I
13 personally have a twenty-four inch deep AFC on the left and a thirty inch AFC on the right of my
14 corner desk of this invention in my personal office].

15 If you measure the keyboard user distance between the two side edges of a Novikoff-
16 type corner desk, you will have a measurement of twenty units, here $\frac{1}{16}$ of an inch, for the angled
17 distance of where the keyboard would go. Thus, twenty inches is the distance across the angle
18 where the sitter would be and the number 20 is so placed. Note that today's keyboard with a 10-
19 key pad included is usually nineteen inches wide or greater.

20 Please note that this whole submission pertains primarily to the keyboard area and not
21 to the wire management, grommet, or any other features of the desk. It also addresses the
22 recessed back to permit wire management. We can address the remaining issues at a later time.

23 As you will note, the last three lines of your paragraph 6 of your office action, as
24 underlined by me, state, *"The differences being that Novikoff does not disclose a keyboard
25 platform mounted underneath [the front edge of the corner section] which indefinitely adjusts
26 up and down and tilts to a negative of positive position and sized in one dimension ..."* this is
27 confirmed by my Figure 1 [underlined emphasis added by the writer].

28 Turning now to line 8 of the next page of the O.A., I refer to Fich. Fich discloses a
29 computer corner desk in his patent Figure 6, said figure corresponding to my drawing Figure 1A.
30 The element, designated 110, which is to hold a keyboard, is a fixed element and does not move
31 inwardly or outwardly and is merely designated as a lowered platform area. I refer specifically
32 to column 8 line 27 of the Fich patent which talks about "...from being made for lowered table

1 *top section 110 for keyboards or the like. In the ...*" See Figure 1A, as noted. When a Fich-type
2 keyboard rest is added to a Novikoff corner desk, the appearance is as seen in my Figure 2.

3 Kirchhoff discloses a specific up and down-type mountable keyboard rest. See Figure
4 2A, which shows the patent's Figure 1 as being one of the Kirchhoff-type products.

5 Reference is again made to my Figure 2, which shows the Novikoff corner with a Fich-
6 type keyboard rest dropped into place. Compare again Figure 2 with Figure 1A. Thus, Figure
7 2 is a lowered fixed keyboard area on a conventional corner desk element.

8 A Kirchhoff keyboard mounted to a Novikoff desk is seen in Figure 3 and is discussed
9 *infra*.

10 Your office action then refers to Brown having a keyboard platform mounted under the
11 front edge. Since the structure of Brown is not really relevant to this specific rejection, because
12 you have cited Brown for some of the other elements such as, the surge protector, etc., I have
13 however, included his patent Figure 2 as my Figure 7. The reference shows the forwardly-
14 rearwardly movable recessed keyboard rest mounted underneath the desk.

15 At the top of page 5 of your office action, you refer to Grubb. Grubb's structure has been
16 included here as Figure 6. Grubb also does not have a recessed back for his adjacent furniture
17 components. My Figure 6 reproduced from Grubb shows the oblique angle adjacent furniture
18 components and they are each marked AFC. But I also call your attention to my Figure 4, which
19 shows a rollout shelf for the keyboard which is what is disclosed in Grubb. Note how the user
20 will need to roll the keyboard tray forward according to the arrow in order to use the keyboard.

21 In the second paragraph of page 5 of your office action, you state, "*... it would have been*
22 *obvious to modify the structure of Novikoff by providing a keyboard platform mounted*
23 *underneath the front edge of the corner section ...*" This is indeed my Figure 4. You then state,
24 "*... in order to support a computer keyboard, as taught by Fich, with the platform infinitely*
25 *adjusts up & down....*" Note how I have used a wavy line to segregate your two thoughts on page
26 "C". Fich does NOT teach a computer keyboard tray that does indeed adjust up and down as per
27 Kirchhoff, nor does his move back and forth. It just sits below desk level. Fich is set into place
28 and is at a lower level. I believe you are in error here.

29 My Figure 3 shows a Kirchhoff keyboard mounted at the front edge of Novikoff. Note
30 how my Figure 3 has the keyboard correctly mounted as you state underneath the front edge of
31 the corner section, but it will stick out in order to be utilized and its placement prevents the
32 opening of drawers or doors in the AFCs on either side. Note the presence of the adjacent
33 furniture components in the Novikoff corner relative to the placement of the Kirchhoff keyboard

1 in my Figure 3. Thus the conclusion re achievement of the oblique angle positioning of the AFCs
2 at your line 9 of the second paragraph of your page 5, here page C, is NOT supported. [See my
3 inquiry *where* in the right margin.]

4 Now, if you look again at Figure 4, and one were to roll out the shelf - as opposed to
5 using the **FIXED** keyboard shelf of Fich, but to use a true Grubb-type top, one will note that the
6 diagonal distance is approximately twenty-seven inches when the adjacent furniture components
7 have eighteen inch side dimensions but a full depth of twenty-four inches. Let us go back now
8 and look at your exact language on page 5. "... *it would have been obvious to modify the*
9 *structure Novikoff by providing a keyboard platform mounted underneath the front edge of the*
10 *corner section ...*" That's what I show when we refer to my Figure 2. But does this give one a
11 dimension of about twenty-seven inches? The answer is NO. Does putting a Fich-type lowered
12 section provide an ergonomic keyboard platform? NO. When a Kirchoff keyboard platform is
13 mounted up against the front edge, the appearance is as in my Figure 3. It sticks out.

14 Now according to your rejection, - line 5 of page C if you mount the Fich fixed-type
15 keyboard tray on a Novikoff-type corner desk, you would then would have to remove the
16 lowered Fich platform from Novikoff, and then replace it with a Kirchoff-type keyboard that
17 rises up and down and do the wire management stuff. And you still don't have the structure of
18 this invention. Why?, because you have made the configuration of my Figure 3.

19 Look now at your line 13 wherein you state, "... *provide a user friendly computer desk,*
20 *as taught by Brown et al, and ...*" my Figure 7 -the following allegation I dispute, - "...*and each*
21 *said furniture component with an oblique edge at a 45 degree angle to its front edge in order to*
22 *provide a versatile adjacent furniture component, ...*" That begs the question, mounting the
23 Kirchoff keyboard on the Novikoff top is what arises in my Figure 3, it does not give the
24 invention of this application. Now, let's move forward, you state, "... *the corner section would*
25 *have its oblique edge intersecting the front edge of the corner section at 90 degree angle, as*
26 *taught by Grubb, ...*" clearly, that is NOT the case.

27 Now, look at the Grubb-type top minus the true Grubb rear corner, as per my Figure 4.
28 I have put a rollout keyboard shelf under there as is disclosed in that patent, and not a fixed
29 lowered Fich-type as you propose to put on Novikoff.

30 Note at line 18 on page 5 you state, "... *since the references teach alternate conventional*
31 *computer desk structure, used for the same intended purpose, thereby providing structure as*
32 *claimed.*" but "*since etc*" is not the case. A brief refresher reference to Figure 6 shows the

33 Novikoff corner structure with no oblique angles on either of the adjacent furniture components.

1 on. But in order to mount a Kirchhoff keyboard rest on Grubb, one must remove this shelf. That
2 is an alteration of structure, that is not supported by any teaching. Alterations of structure are not
3 substitutions and do not give rise to proper rejections.

4 There is nothing to show that it would be obvious to use a Novikoff-type corner desk
5 modified to a Grubb-type corner unit configuration dimension wise, and then remove the shelf
6 you added that has been fixed and lowered, as per Fich, and then to replace that lowered shelf
7 which is fixed in Fich but which is apparently retractable in Grubb to replace that shelf with a
8 Kirchhoff-type of keyboard holder. And to further chop off the rear corner of the Grubb unit
9 during your efforts.

10 If you put a Kirchhoff keyboard rest on Novikoff, you don't have this invention, and you
11 can't alter Grubb directly to first remove the retractable shelf to mount a Kirchhoff keyboard rest.
12 Because you then lose the other part of the rejection concerning the recessed back which only
13 Novikoff shows not Grubb. And also as an aside, the Novikoff structure to achieve the recessed
14 back differs from what is done by applicant.

15 Even your Brown reference shows a slide out-type of keyboard holder; and clearly, it
16 does not show the oblique angle AFCs. So Brown can't serve as a replacement for Novikoff or
17 for Grubb.

18 Adding further to my commentary, it is important to note the distinction of the
19 dimensions. Novikoff has twenty inches for the area where the keyboard would fit, but when the
20 recess is made, the wider dimension of twenty-seven inches is achievable. But the numbers don't
21 really matter. It is the concept that the substitution cannot be made geometrically to utilize a
22 Novikoff-type corner to achieve a modified unit to resemble Grubb with a Kirchhoff-type
23 keyboard as is done in your multiple referenced combination. This is because as the two edges
24 of the AFCs or the side edges of the corner unit approach to a hard 90-degree angle, the diagonal
25 that can join them gets shorter and shorter. See my Figure 8 where I have overlaid a Novikoff
26 type corner with AFCs and a Grubb type corner with the oblique edge AFCs, so you can see the
27 diagonal line where the user would sit in each configuration.

28 If you take a Novikoff corner top, add a central lowered tray as per Fich, and replace that
29 fixed lowered tray with Kirchhoff you get my Figure 3 – which is not the configured invention
30 of this application. See the picture at page F.

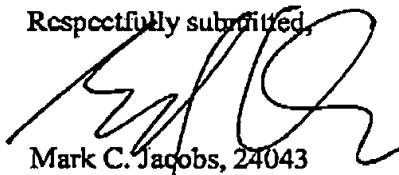
31 Conversely if you take Grubb directly, and remove the slidable tray and put on Kirchhoff,
32 you are altering the structure in two ways: first, changing the rear corner from that of applicant;
33 and second, removing the slidable keyboard rest. And you lose the recessed back concept of

1 In conclusion, the combination of references you put together does not yield the results
2 you thought were achievable. And if you change the combination you still do not meet the claims
3 (concepts) of this invention

4 I appreciate your agreement to both take the time to review this letter and to place a
5 telephone call to discuss this matter further as may be needed. I readily believe that the concept
6 is patentable. Counsel can be reached in California at 916-485-5000.

7 In addition to this discussion, please find sixteen pages of attachments in support thereof.
8

9 Respectfully submitted,
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12 Mark C. Jacobs, 24043

13 Attorney for Applicant(s)

14 sactopat@aol.com
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Art Unit: 3637

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 3, 12-14, 16, 20, 26, 29, 33, 35, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,536,078 to Novikoff in view of USP 5,598,790 to Fich, USP 5,823,487 to Kirchhoff et al, USP 5,769,514 to Brown et al, and USP 5,694,862 to Grubb.

L4 FIG 1 Novikoff discloses a modular computer desk comprising a corner section, such as shown in Fig 20, comprising all the elements recited in the above listed claims including a pentagonal work surface, a pedestal mounted to the underside of the work surface, the front edge of the work surface being at a right angle to the elevation of the work surface, a return attached thereto on both sides of the corner section, a shelf supported on a pedestal, adjacent furniture components being abutted to and connected to the corner section on both sides of the corner section, the adjacent furniture components having a pair of returns each having a back panel thereon, the work surface is wood, at least one of the adjacent furniture components including a rear wall 178, such as shown in Fig 19, disposed beneath the rear edge of the work surface, inset from the rear edge of the work surface to permit wiring to be hiddenly disposed behind the inset rear wall 178. The differences being that Novikoff does not disclose a keyboard platform mounted underneath the front edge of the corner section which indefinitely adjusts up and down and tilts to a negative or positive position and sized in one dimension at about 27 inches to receive both a

Art Unit: 3637

keyboard and an adjacent mouse pad, a control switch electrically connected to a surge protector unit having a plurality of electrical outlets therein, an aperture through the work surface to permit a plurality of computer component line cords to pass therethrough, wire management means, the work surface is covered with high pressure laminate, adjacent furniture components each having an oblique edge at a 45 degree angle to its front edge, the component when in position abutting the corner section having its oblique edge intersecting the front edge of the corner section at 90 degree angle, the inset rear wall including a wire grommet therein.

FIC 1A

Fich discloses a computer corner desk, such as shown in Figs 6-7, having keyboard (FIXED BUT LOWERED) platform mounted thereto in order to support a computer keyboard. Kirchhoff et al discloses a

keyboard support assembly comprising a keyboard platform, such as shown in Figs 9 & 14, mounted beneath the front edge of a desk, which platform indefinitely adjusts up and down and tilts to a negative or positive position and sized in one dimension at about 27 inches to receive both a keyboard and an adjacent mouse pad in order to provide an ergonomic keyboard platform.

Brown et al discloses a computer desk comprising a work surface 10, such as shown in Fig 2, having a keyboard platform 20 mounted underneath the front edge of the corner section, a control switch electrically connected to a surge protector unit 38 having a plurality of electrical outlets therein, an aperture through the work surface to permit a plurality of computer component line cords to pass therethrough, wire management means 40; wherein the structure of the keyboard platform, the control switch, a surge protector unit with a plurality of electrical outlets, an aperture through the work surface, and wire management means provides a user friendly computer desk.

FIG 4

Grubb teaches the idea of a computer desk system comprising an adjacent furniture component 18 having a front edge parallel to a back edge, a side edge normal to the front and rear edges, an oblique edge at a 45 degree angle to the front edge thereof in order to provide a versatile adjacent furniture component.

Therefore, it would have been obvious to modify the structure Novikoff by providing a keyboard platform mounted underneath the front edge of the corner section in order to support a computer keyboard, as taught by Fich, with the platform indefinitely adjusts up and down and tilts to a negative or positive position and sized in one dimension at about 27 inches to receive both a keyboard and an adjacent mouse pad in order to provide an ergonomic keyboard platform, as taught by Kirchhoff et al, a control switch electrically connected to a surge protector unit having a plurality of electrical outlets therein, an aperture through the work surface to permit a plurality of computer component line cords to pass therethrough, wire management means in

order to provide a user friendly computer desk, as taught by Brown et al, and each said furniture component with an oblique edge at a 45 degree angle to its front edge in order to provide a versatile adjacent furniture component, the component when positioning at certain orientation in abutting the corner section would have its oblique edge intersecting the front edge of the corner section at 90 degree angle, as taught by Grubb, since the references teach alternate conventional computer desk structure, used for the same intended purpose, thereby providing structure as claimed. With regard to the work surface being covered with high pressure laminate, it would

have been obvious and well within the level of one skill in the art to cover the work surface with high pressure laminate in order to ease cleaning of the surface. With regard to the side edges range in extension from 14 to 16 inches, it would have been an obvious matter of design choice

WHERE

and well within the level of one skill in the art at the time the invention was made. In regard to the dimension of the side edges at such range in order to fit adjacent furniture components. In regard to the inset rear wall including a wire grommet, since it is well known in the art to provide wire grommet to a rear wall of a computer desk for insertion of electrical wires therethrough, it would have been obvious and well within the level of one skill in the art to provide the inset rear wall of Novikoff with a wire grommet therein for insertion of electrical wires therethrough. (D)

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novikoff, as modified, as applied to claim 3 above, and further in view of USP 5,130,494 to Simonton et al.

Novikoff, as modified, discloses all the elements as discussed above except for the wire management being two J-shaped channels each mounted at a 90 degrees angle to each other disposed on the underside of the worksurface.

Simonton et al teaches the idea of a modular computer desk system having a wire management system, wherein the wire management system comprises at least two J-shaped channels, such as shown in Fig 28, each mounted at a 90 degrees angle to each other disposed on the underside of the worksurface adapted to receive wiring in order to a system for efficiently managing electrical and communications utilities associated with the work surface. Therefore, it would have been obvious to modify the wire management system of Novikoff, as modified, by providing at least two J-shaped channels, each mounted at a 90 degrees angle to each other disposed on the underside of the worksurface adapted to receive wiring in order to a system for efficiently managing electrical and communications utilities associated with the work surface, as taught by Simonton et al, since both teach alternate conventional modular computer desk system structure, used for the same intended purpose, thereby providing structure as claimed.